

UNITED STATES DISTRICT COURT

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WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

CHRISTOPHER MICHAEL
BROWN

CRIMINAL ACTION 1:01-CR-10012-02

VERSUS

CHIEF JUDGE DRELL

UNITED STATES OF AMERICA

MAGISTRATE JUDGE PEREZ-MONTES

MEMORANDUM ORDER

Before the Court are a motion requesting transfer of seized property (Doc. 601) and a motion requesting investigation into missing seized property (Doc. 606) filed by Christopher Michael Brown. Brown was convicted by a jury, in the United States District Court for the Western District of Louisiana, on one count of conspiracy to distribute crack cocaine, four counts of distribution of crack cocaine, and criminal forfeiture (Doc. 217). Brown was sentenced to life imprisonment (Doc. 276). A motion to reduce sentence pursuant to an amendment to the U.S. Sentencing Guidelines is pending (Doc. 574).

In his motion requesting transfer of the seized property (Doc. 604), Brown states that he wants the seized property transferred to his mother, Betty Brown, who is allowed to possess firearms. Brown also contends the FBI seized more than the four firearms the Government is presently admitting it possesses. Brown asks the Court to order an investigation into the missing firearms.

The Supreme Court has held that a convicted felon maintain an ownership interest in seized firearms, and has a right to alienate the firearms, as long as such

alienation is heavily court-supervised. United States v. Jordan, 622 Fed.Appx. 345, 348 (5th Cir. 2015) (citing Henderson v. United States, 135 S.Ct. 1780 (U.S. 2015)). However, the United States opposes transfer of the firearms to Betty Brown. The United States contends the District Judge denied Betty Brown's claims to the property in 2003, finding her claims were time-barred. However, in 2003, the District Judge dealt only with the property subject to forfeiture, none of which was firearms. The District Judge denied Betty Brown's claims as to the houses, cash, and cars as time-barred.

The forfeiture notice field in this case did not list any firearms, and the forfeiture proceeding did not dispose of any firearms. Nor is Betty Brown currently claiming to be an innocent owner of the firearms. Instead, Christopher Brown wants to transfer his purported ownership interest in the firearms to his mother. No proceeding has ever been instituted by the United States to dispose of the firearms seized from the Browns by the FBI in 2002.

Accordingly, IT IS ORDERED that, **on or before February 24, 2017**, the United States shall provide this Court with an accounting of every firearm seized in this case, specifically to include all firearms, ammunition, and accessories introduced at the trials of Christopher Brown and his co-defendants.

THUS DONE AND SIGNED in chambers at Alexandria, Louisiana on this 17th day of February 2017.



Joseph H.L. Perez-Montes
United States Magistrate Judge